

**WorkFirst SANCTIONS**

**Purpose:** To describe the penalties that a TANF recipient will experience if the person fails or refuses to participate in the activities identified on their WorkFirst Individual Responsibility Plan (IRP).

Effective 5/99

**WAC 388-310-1600 WorkFirst--Sanctions.****(1) What is a sanction and when is it used?**

A sanction is a penalty that alters your grant when you refuse to:

- (a) Give the department the information we need to develop your individual responsibility plan;
- (b) Come to scheduled appointments with people who provide WorkFirst services or activities.
- (c) Do all of the activities listed on your individual responsibility plan; or
- (d) Accept paid employment that meets the criteria in WAC 388-310-1500.

**(2) What happens once I do not provide information, go to an appointment, follow my individual responsibility plan or accept a job?**

If you do not provide information, go to an appointment, follow up on your individual responsibility plan or accept a job, your case manager or social worker will send you a notice to set up an appointment so they can talk to you about the situation. If they are unable to contact you, they will use the information already on hand to find out why you did not follow through with the required activity. Then, your case manager will decide whether:

- (a) You were unable to do what was required; or
- (b) You were able, but refused, to do what was required.

**(3) What is considered a good reason for not being able to do what**

**WorkFirst requires?**

You have a good reason if it was not possible to follow through on a required activity due to an event outside of your control. Some examples of good reasons may include:

- (a) You, your children or other family members were ill;
- (b) Your transportation or child care arrangements broke down and you could not make new arrangements in time to comply;
- (c) You could not locate child care, for your children under thirteen years , that was:
  - (i) Affordable (did not cost you more than your co-payment would under the working connections child care program in WAC 388-290)
  - (ii) Appropriate (licensed, certified or approved under federal, state or tribal law and regulations for the type of care you use and you were able to choose, within locally available options, who would provide it); and
  - (iii) Within a reasonable distance (within reach without traveling farther than is normally expected in your community).
- (d) You could not locate other care services for an incapacitated person who lives with you or your children;
- (e) You had a physical, mental or emotional condition, confirmed by a licensed health care professional, that interfered with your ability to participate;
- (f) A significant person in your life died;
- (g) You were threatened with or subjected to family violence;
- (h) You had an immediate legal problem, such as an eviction notice; or

- (i) You did not get notice telling you about our information request, an appointment or a requirement on your individual responsibility plan.

**(4) What if my case manager decides that I refused to meet WorkFirst requirements without good reason?**

If your case manager decides you refused to meet WorkFirst requirements without good reason, they will send you a notice that tells you:

- (a) What you refused to do;
- (b) You will be sanctioned ( a penalty will be applied to your grant);
- (c) When the sanction starts;
- (d) How to request a fair hearing if you disagree with this decision; and
- (e) How to end the sanction.

**(5) What are the penalties to my grant:**

The following penalties are applied to your grant for anyone who is sanctioned in your household:

- (a) In the first month, we calculate your family's grant and then remove the noncompliant person (s) share of the grant.
- (b) In the second month, your reduced grant will be sent to a protective payee every month until the sanction is lifted. (WAC 388-460-0001 describes the protective payee rules.)
- (c) In the third and following months, your grant is reduced by the person (s) share or forty percent, whichever is more.

**(6) How do I stop (or end) the sanction?**

To end your sanction:

- (a) You must provide the information requested to develop your individual

responsibility plan; and/or

(b) Start and continue to do your required WorkFirst activities.

(c) Your grant will be restored after two weeks of participation, beginning with the day you began doing your required activities.

(7) **What happens if I get sanctioned again after my sanction has been stopped?**

If you are sanctioned again, the sanction process will start again.

(8) **What if I reapply for TANF, SFA or GA-S and I was in sanction when my case closed?**

You are still sanctioned at the level which was in effect when your case closed until you cure your sanction.

## CLARIFYING INFORMATION

1. Non-exempt TANF clients (who are WorkFirst participants) will be sanctioned when the case manager determines that the participant has failed or refused to participate in required WorkFirst activities.

**NOTE:** For WAC and further information on WorkFirst exempt criteria, required WorkFirst activities and good cause for failing or refusing to participate see the **WorkFirst Interim Implementation Handbook**.

2. A client must have an IRP in place or refuse to sign the IRP in order for a sanction to be imposed.
3. TANF recipients who are sanctioned for failing or refusing to participate in WorkFirst may also be sanctioned under food stamp program rules for that failure or refusal. This applies only to non-exempt food stamp recipients. (See **Food Stamp E/T**.)

## WORKER RESPONSIBILITIES (WorkFirst Case Manager)

1. Determine if the client has refused or failed to participate in WorkFirst activities identified on the IRP. See the **WorkFirst Interim Implementation Handbook** for information on the IRP and determining refusal or failure to participate.
2. During the first month of sanction, establish a protective payee according to the procedures in the **PROTECTIVE PAYEE HANDBOOK**. The effective date for the protective payee is the second month of sanction.

**JAS (and related) Procedures**

1. Close all components and open sanction (SA) code in JAS on the 03 screen
2. Terminate all WorkFirst support services which are open at the time the sanction is imposed.
3. Terminate child care for all WorkFirst components; continue child care for employment.

**ACES PROCEDURES**

1. Enter [RE] on the PART STAT field on the (WORK) screen. Enter the date the sanction is effective. ACES will generate a change notice and will reduce the grant by the sanctioned person's share effective the next payment month following expiration of the notice of adverse action. Specify, using freeform text, the name of the person who refused to participate, the date refusal began and how the sanction can be lifted.
2. If the client is also a non-exempt Food Stamp recipient, update the MP on the FS line to [RE], enter the effective date and the number of the offense. The effective date of the sanction on the Food Stamp line does not automatically update.
3. ACES will set an alert to establish a protective payee for the second month of sanction. The alert will be generated during the first month of sanction in time for the worker to establish a protective payee effective the second month of sanction.
4. Use the (AREP) screen to establish the protective payee using the procedures in the Social Services Manual. (See **PAYEE**.)
5. ACES will generate a second change notice in the second month of sanction for the

third month of sanction, and will calculate the penalty to be assessed during the third and subsequent months of sanction. Use freeform text to include the name of the person who refused to participate, the particular action which constituted the refusal and the how the sanction can be lifted.

### LIFTING A SANCTION

#### **CLARIFYING INFORMATION**

1. A client must initiate the lifting of a sanction. See **WorkFirst Interim Implementation Handbook** for further information.
2. A sanction can be lifted only when the client has participated for at least two weeks in the activities or other requirements established on their IRP.

#### **WORKER RESPONSIBILITIES**

1. When a client expresses a willingness to participate as required, update the IRP if needed. (See the **WorkFirst Interim Implementation Handbook**.)
2. If applicable, notify the protective payee that the sanction is being lifted and follow the instructions in the Social Services Manual regarding termination of a protective payee.

#### **ACES PROCEDURES**

1. Change the STAT field on the (WORK) screen to MP and delete the date. Go to the DEM 1 screen and enter the date the client began participating in ELIG ESTAB DATE.
2. ACES will general a change notice to the participant.
3. Check the Processing Alternatives List when two adults in one AU sanctioned or when the only person in the AU is sanctioned.